

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
No. 21 CVS 500085

REBECCA HARPER, *et al.*,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, IN HIS OFFICIAL
CAPACITY AS SENIOR CHAIR OF THE HOUSE
STANDING COMMITTEE ON REDISTRICTING, *et al.*,

Defendants.

**RESPONSE TO MOTION TO
INTERVENE**

The *Harper* Plaintiffs, by and through undersigned counsel, submit the following response to Proposed Intervenor Common Cause’s Motion to Intervene as Plaintiffs and to Expedite Consideration of Same:

This Court’s Case Scheduling Order entered on December 13, 2021 provides the *Harper* and *NCLCV* Plaintiffs, collectively, with “nine (9) hours in which to present their direct evidence and conduct any cross examination,” and “one (1) hour of closing argument.” Order at 6. Under this “compressed” schedule, *id.* at 7, each Plaintiff group therefore has 4.5 hours to present evidence and conduct cross examination, and 30 minutes to present closing arguments. That amount of time is already insufficient for the *Harper* plaintiffs to both present their case-in-chief and cross examine the Defendants’ witnesses. The *Harper* plaintiffs intend to offer multiple rigorous experts, and this schedule will necessarily prevent them from fully presenting those experts’ testimony orally. Moreover, while we intend to submit written reports as evidence, given the nature of this evidence, we also believe that the Court may find it helpful to ask questions.

The *Harper* Plaintiffs continue to take no position on the merits of Common Cause’s Motion to Intervene, *see* Mot. to Intervene at 6, but oppose the motion to the extent that permitting

intervention would reduce the *Harper* Plaintiffs' allotted trial presentation and closing argument time below 4.5 hours and 30 minutes, respectively, or otherwise delay the case schedule. To the extent the Court grants intervention, the *Harper* Plaintiffs request that the Court allot additional time for Common Cause rather than reduce the time currently allotted to the *Harper* Plaintiffs.

Dated: December 14, 2021

By: /s/ Narendra K. Ghosh

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** *Pro hac vice* application pending

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing *by email*, addressed to the following counsel for defendants and proposed intervenor:

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This the 14th day of December, 2021.

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